

STAFF REPORT

SUBJECT: Approval of Resolution Designating Applicant's Agent for Non-State Agencies to Obtain Federal and/or State Disaster Assistance Funding

FROM: Jennifer Yeamans, Senior Grants & Management Specialist

DATE: July 6, 2020

Action Requested

The Finance & Administration Committee recommends the Board execute CalOES Form 130, designating LAVTA's authorized Agent to apply for and receive funding from the Federal Emergency Management Agency (FEMA) and/or California Governor's Office of Emergency Services (CalOES) for disaster assistance funding in connection with the declared COVID-19 disaster. This resolution is required to apply for and receive federal and/or state funding for this purpose.

Background

On March 13, 2020, the President declared a nationwide emergency in response to the COVID-19 pandemic pursuant to Sec. 501(b) of Stafford Act to avoid governors needing to request individual emergency declarations. On March 22, the State of California issued a Major Declaration of Disaster due to COVID-19 (FEMA-4482-DR-CA), making up to a 75% share of Federal Emergency Management Agency (FEMA) public assistance funds available to Subrecipients for eligible costs incurred due to the emergency as of January 20, 2020. LAVTA as a special district established by California law is an eligible subrecipient of these funds (Applicant). Local agencies provide the remaining 25% share of eligible costs.

To be eligible for reimbursement by FEMA, costs associated with qualified activities in response to the declared emergency must be:

- Required as a result of the declared incident
- Located within the designated area (Alameda County is included in CalOES's Major Declaration); and
- The legal responsibility of an eligible Applicant.

Eligible activities include those taken before, during, and after a disaster to save lives and protect public health and safety, through cost-effective measures. To be eligible for reimbursement, costs must be:

- Incurred from eligible work and adequately documented;
- Authorized and permitted under Federal, State, Tribal, or local government laws or regulations;

- Consistent with the Applicant’s internal policies, regulations, and procedures; and
- Necessary and reasonable to accomplish the work properly and efficiently.

In addition , FEMA is prohibited from duplicating benefits, including those covered by another Federal agency (such as the Department of Transportation or Federal Transit Administration, including CARES Act funding).

Discussion

A Designation of Applicant’s Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. CalOES Form 130 (Attachment 1) provides the necessary information to document properly the intent of the Board of Directors to enable LAVTA to receive eligible federal and/or state disaster assistance funding due to the COVID-19 pandemic.

Next Steps

FEMA has stated that the deadline to identify and report damage is extended for the major disaster declaration and will remain open for the duration of the Public Health Emergency, as declared by the Secretary of the U.S. Dept. of Health and Human Services. Applicants must identify and report damages and costs by 60 days from the end of the Public Health Emergency, or 60 days from the approval of their Request for Public Assistance, whichever is later.

LAVTA staff will continue to assess what costs is has incurred and will likely incur to protect public health and safety during the COVID-19 pandemic, which are not otherwise covered by FTA funding made available by the CARES Act, and request reimbursements as appropriate.

Recommendation

The Finance & Administration Committee recommends the Board execute Form 130, designating LAVTA’s authorized Agent to apply for and receive funding from the Federal Emergency Management Agency and/or California Governor’s Office of Emergency Services for disaster assistance funding in connection with the declared COVID-19 disaster.

Attachments:

1. CalOES Form 130 for Designation of Applicant’s Agent Resolution for Non-State Agencies (LAVTA Resolution 19-2020)

Approved: _____

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE _____ OF THE _____
(Governing Body) (Name of Applicant)

THAT _____, OR
(Title of Authorized Agent)

_____, OR
(Title of Authorized Agent)

(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the _____, a public entity
(Name of Applicant)
established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the _____, a public entity established under the laws of the State of California,
(Name of Applicant)
hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

- This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.
- This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this _____ day of _____, 20 _____

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, _____, duly appointed and _____ of
(Name) (Title)

_____, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the _____ of the _____
(Governing Body) (Name of Applicant)

on the _____ day of _____, 20 _____.

(Signature)

(Title)

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.
Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. **Titles Only:** If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.
2. **Names and Titles:** If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.
Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.
Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification.")